

ARGENTA OREANA PUBLIC LIBRARY

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DOCKET

02-6

Seeking a Waiver of FCC Rules

APR 28 2015

Timeline:

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Office of the Secretary

On February 13, 2015, I mailed my original Form 470 for both of my building entities: 16082230 and 136587.

On February 23, 2015, I received my Form 470 Receipt Notification Letter for one building but not the other building. I waited for 2 days to see if the letter would come in the mail. It did not, I called the USAC and they had to send me the letter in email. They could not explain why I never received it in the physical mail. It was also dated February 23, 2015.

On February 25, 2015, I sent a clerical correction for Line 5(c) which was clearly defined in the RNL as a correctable field for both of my entities: 16082230 and 136587.

On February 27, 2015, I received PIN numbers for both of my entities.

On March 5, 2015, my first entity's correction (16082230) was denied by the USAC. I sent an appeal letter to them and received confirmation that they had received it on March 5, 2015. Since the clerical error was for both of my entities, I included both building entity numbers in this one appeal. See letter attached.

On March 10, 2015, I received the email denying the second entity's clerical correction (136587). Since I had identified both entity numbers in the March 5 appeal letter, I did not specifically appeal this denial on March 10, 2015.

I did not hear from the USAC until Friday, March 27, 2015. See attached. I received two separate emails from USAC and they clearly stated,

"To make the requested change, you must submit a new Form 470. Please be aware that the required 28-day competitive bidding waiting period starts once the new Form 470 is posted. Therefore, **Friday, March 27, 2015 11:59 PM** is the last day you can file a new Form 470 and allow for the 28-day competitive bidding period, selection of a service provider and submission of your FCC Form 471 within the Form 471 filing window. It is strongly recommended that you file your new Form 470 on-line at <http://www.sl.universalservice.org/menu.asp>."

I immediately filed two new Form 470s on March 27, 2015 for both of my entities and received confirmation that they had been certified.

On Monday, March 30, 2015, I received 2 more emails from USAC. See attached. These emails stated the exact same language as the March 27, 2015 emails with one major difference, the

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date that I was allowed to file a new Form 470 had been changed from Friday, March 27, 2015 11:59 PM to **March 19, 2015 11:59 PM**. This requirement was physically impossible for me to accomplish since the email was sent on the March 30th and the requirement for a new Form 470 was on March 19th.

I called and was advised by the USAC to wait my required 28 days, and then to file an appeal to the FCC for a waiver of FCC Rules.

I waited the required 28 days and went ahead and filed my Form 471 on Friday, April 24, 2015 for both entities: 16082230 and 136587.

I am asking for a waiver of the FCC Rules so that my Form 471 is not out-of-the-window for filing. I did not cause this delay. I acted as quickly as possible to rectify a clerical error. An error which it was clearly indicated by the RNL, I could correct. Yet, they denied it.

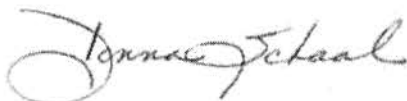
To make matters worse, the multiple conversations that I had with the front line staff of the USAC, agreed with me, that I should be able to make this clerical correction. I was told that I must go through the appeals process. One person did suggest that I re-file the Form 470 but later changed his mind during our conversation that I should wait for the appeal's process.

The appeal process took longer than necessary – a delay which I could do nothing about – yet ultimately the answer was very simple, I needed to redo Form 470 for both entities. Had I been given this information in a timely fashion, I would not have been out of the window for filing Form 471.

Sending an email on March 30th indicating that you should have done something on March 19th is completely unprofessional. As a first time applicant, I found the process overwhelming, the forms almost incomprehensible as to what information was necessary, and I can't tell you the hours I have spent trying to complete this process.

I am asking you for a waiver of the FCC Rules so that my Form 471s are not out-of-the filing window.

Thank you,



Donna Schaal
Library Director
Argenta-Oreana Public Library District



Donna Schaal <director@aopld.lib.il.us>

ARGENTA-OREANA PUBLIC LIBRARY DISTRICT - RNL Change Request for Form 470-694780001327941

1 message

SLDCorrespondence <SLDCorrespondence@sl.universalservice.org>

Fri, Mar 27, 2015 at 8:49 AM

To: "director@aopld.lib.il.us" <director@aopld.lib.il.us>

Correction – see below

From: SLDCorrespondence

Sent: Thursday, March 05, 2015 12:05 PM

To: 'director@aopld.lib.il.us'

Subject: ARGENTA-OREANA PUBLIC LIBRARY DISTRICT - RNL Change Request for Form 470-694780001327941

Importance: High

ARGENTA-OREANA PUBLIC LIBRARY DISTRICT

FY2015, FORM 470# 694780001327941

We recently received your request to correct ministerial and clerical errors on FY 2015 Form 470-694780001327941.

However, since the changes to Block 1, item 5c Number of eligible entities for which services are sought, is not considered a correctable ministerial and clerical error. Your change request is dismissed. Please see the USAC website for some examples of allowable/correctable changes at

<http://www.usac.org/sl/applicants/step02/clerical-errors.aspx>

To make the requested change, you must submit a new Form 470. Please be aware that the required 28-day competitive bidding waiting period starts once the new Form 470 is posted. Therefore, **Friday, March 27, 2015 11:59PM** is the last day you can file a new Form 470 and allow for the 28-day competitive bidding period, selection of a service provider and submission of your FCC Form 471 within the Form 471 filing window. It is strongly recommended that you file your new Form 470 on-line at <http://www.sl.universalservice.org/menu.asp>.

TO APPEAL THIS DECISION

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - appellant name
 - applicant and service provider names, if different than appellant
 - applicant BEN and service provider SPIN
 - <insert application or form number> as assigned by USAC
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
 - <insert name of the letter and funding year - both are located at the top of the letter> AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal

Schools and Libraries Division - Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

Thank you for your continued patience and cooperation during this process.

Schools and Libraries Division

Universal Service Administrative Company

Confidentiality Notice: The information in this e-mail and any attachments thereto is intended for the named



Donna Schaal <director@aopld.lib.il.us>

ARGENTA-OREANA PUBLIC LIBRARY DISTRICT - RNL Change Request for Form 470-383020001327809

1 message

SLDCorrespondence <SLDCorrespondence@sl.universalservice.org>

Mon, Mar 30, 2015 at 9:49 AM

To: "director@aopld.lib.il.us" <director@aopld.lib.il.us>

From: SLDCorrespondence
Sent: Friday, March 27, 2015 9:51 AM
To: 'director@aopld.lib.il.us'
Subject: ARGENTA-OREANA PUBLIC LIBRARY DISTRICT - RNL Change Request for Form 470-383020001327809
Importance: High

See correction below

From: SLDCorrespondence
Sent: Tuesday, March 10, 2015 9:01 AM
To: 'director@aopld.lib.il.us'
Subject: ARGENTA-OREANA PUBLIC LIBRARY DISTRICT - RNL Change Request for Form 470-383020001327809

ARGENTA-OREANA PUBLIC LIBRARY DISTRICT

FY2015, FORM 470# 383020001327809

We recently received your request to correct ministerial and clerical errors on FY 2015 Form 470-383020001327809.

However, since the changes to Block 1, item 5c Number of eligible entities for which services are sought, is not considered a correctable ministerial and clerical error. Your change request is dismissed. Please see the USAC website for some examples of allowable/correctable changes at

<http://www.usac.org/sl/applicants/step02/clerical-errors.aspx>

To make the requested change, you must submit a new Form 470. Please be aware that the required 28-day competitive bidding waiting period starts once the new Form 470 is posted. Therefore, **March 19, 2015 11:59PM** was the last day you can file a new Form 470 and allow for the 28-day competitive bidding period, selection of a service provider and submission of your FCC Form 471 within the Form 471 filing window. It is strongly recommended that you file your new Form 470 on-line at <http://www.sl.universalservice.org/menu.asp>.

TO APPEAL THIS DECISION

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - appellant name
 - applicant and service provider names, if different than appellant
 - applicant BEN and service provider SPIN
 - <insert application or form number> as assigned by USAC
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
 - <insert name of the letter and funding year - both are located at the top of the letter> AND
 - the exact text or the decision that you are appealing.

3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

Thank you for your continued patience and cooperation during this process.

Schools and Libraries Division

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March 5, 2015

RE: Appeal - FY2015 Form 470# 694780001327941

This letter is an appeal to correct ministerial and clerical errors on FY 2015 Form 470-694780001327941. To discuss this appeal, please contact:

Donna Schaal, Library Director
Argenta-Oreana Public Library District
211 South Route 48
PO Box 278
Oreana, IL 62554

Telephone: 217-468-2340
Fax Number: 217-468-2467
Email: director@aopld.lib.il.us

Billing Entity: 16082230
Oreana Library
Form 470

Billing Entity: 136587
Argenta Library
Form 470

I am the new director of a library district with two distinctive buildings. There is no main library building or a branch. The buildings are considered equals. This library district has never applied for E-Rate before. After much discussion with your office, Case No. 22-791222, it was decided that I needed two Building Entity Numbers. Only one building had previously been listed in your system.

I am only applying for telecommunication services – no internet. Currently, on my phone bill, we had three telephone numbers listed – two landline telephone lines (one for each building) and one fax machine line. So, I incorrectly entered a '3' in Line 5c. For the second billing entity, I entered a '3' as well in Line 5c. After I submitted both 470s, it occurred to me that we do have a second fax line in the other building. I spoke with our current telecommunications provider and due to the way the service plans were written at the time, the second fax line is buried in the small print. We do pay for 2 landlines and 2 fax lines.

After receiving the RNL report on February 23, 2015 for Billing Entity 16082230, see attached, I believed that I could make a change to Line 5c – number of eligible entities. Line 5c is clearly listed in the section of the letter that specifically states, "Make Corrections Here".

I am not asking for additional services, I am lowering my request from three (3) number of eligible entities to two (2). I submitted the RNL report through the mail on February 25, 2015. On March 4, 2015, I received an email notification that you had received my request for a correction. On March 5, 2015, I received an email denying this request based on:

"However, since the changes to Block 1, item 5c Number of eligible entities for which services are sought, is not considered a correctable ministerial and clerical error. Your change is dismissed."

Meanwhile, I realized that I had not received an RNL letter for my second Billing Entity 136587. I called and opened Case No. 22-724815. Although, it indicated that an RNL letter had been sent, I never physically received it. A Duplicate Letter was sent to me through email on February 27, 2015. I mailed the same correction on March 2, 2015. Again, lowering the number of entities requested.

1. On your website, under Ministerial and Clerical Error's page, I can change:

Incorrectly identifying ineligible charges and services or products

Because I have only been here since December, I did incorrectly identify services that I don't currently receive.

2. And your website, specifically states that I cannot change:

*Adding new services or changing service descriptions on FCC Forms 470
and RFPs after the forms have been posted*

I am not adding anything new; I need to lower my request.

3. The RNL letter specifically lists Line 5c as a correctable field.

Based on the three factors listed above, I am requesting that my appeal be granted and that I would be allowed to lower Line 5c from 3 eligible entities to 2 on both of my Billing Entities: 16082230 and 136587.

Sincerely,



Donna Schaal
Library Director